

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

CHILDREN'S HOSPITAL CORP.,

Plaintiff,

vs.

KINDERCARE LEARNING CENTERS,
INC., BLUE CROSS BLUE SHIELD OF
MASSACHUSETTS, INC., and REGENCE
BLUE CROSS BLUE SHIELD OF OREGON,

Defendants

Civ. A. No. 04-11676-PBS

**JOINT MOTION FOR RELIEF FROM THE REQUIREMENTS OF RULE 26(a)(1), 26(f)
AND LOCAL RULE 16.1**

The parties jointly move for relief from the requirements of Rules 26(a)(1), 26(f), and Local Rule 16.1. As grounds for this motion, the parties state that in light of the plaintiff's pending motion to remand for lack of subject matter jurisdiction and the defendants' pending motion to dismiss, it is unclear whether this action will proceed in this forum. The parties agree that it is undesirable to begin discovery, to set a pre-trial schedule, or to discuss the other matters stated in Rule 26(f) or Local Rule 16.1 until they have a decision from the Court on the pending motions. If after the Court's rulings it appears that the action will proceed in this Court, the parties will meet and confer as required by Rules 26(f) and Local Rule 16.1 and will cooperate in the production of initial disclosures under Rule 26(a)(1).

For the foregoing reasons, the parties respectfully request that the Court enter an order relieving them from the requirements of Rule 26(a)(1), Rule 26(f), and Local Rule 16.1 until the

Court has ruled on the pending motions.

Respectfully submitted,

CHILDREN'S HOSPITAL CORP.

KINDERCARE LEARNING CENTERS, INC.

By its attorneys:

By its attorneys:

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BLUE CROSS BLUE SHIELD OF
MASSACHUSETTS, INC. and REGENCE
BLUE CROSS BLUE SHIELD OF OREGON

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Dated: September 15, 2004